

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23245 of 2004

Between:

N. Malleshwari, D/o.N. Sriramulu, Sarpanch, Padmavathi
Gram Panchayat Tirupathi Mandal, Tirupathi.

..... PETITIONER

AND

- 1 The District Panchayat Officer, Chittoor.
- 2 The Divisional Panchayat Officer, Chandragiri.
- 3 The District Collector (Pt.Wing), Chittoor.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more in the nature of writ of Mandamus declaring the impugned order issued by the respondent No.1 in his Proceedings Roc No.3196/2004-A4 (Pts) dated 29.10.2004 in restricting the cheque power of the petitioner with the counter signature of the Mandal Parishad Development Officer, Tirupathi as illegal, arbitrary, unjust and contrary to the provisions of the A.P. Gram Panchayat Act 1994, besides being violative of principles of natural justice, while issuing a consequential direction to the respondents to restore the cheque power of the petitioner in the interest of justice.

For the Petitioner: MR. D. GOVARDHANACHARY, Advocate.

For the Respondents.: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following :

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ORDER:

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Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development and with their consent the writ petition itself is finally disposed of at the stage of admission.

The grievance of the petitioner, who claims to be Sarpanch of Padmavathipuram Gram Panchayat, Tirupathi Mandal, is that without passing any orders on the explanation dated Nil, submitted by her to the show cause notice, dated 12-10-2004 issued by the first respondent in regard to drawing of Gram Panchayat funds contrary to the Rules, the first respondent passed the impugned order in Roc.No.3196/2004-A4 (Pts), dated 29-10-2004 restricting the cheque power of the petitioner with the counter signature of the Mandal Parishad Development Officer, Tirupathi, and also directing her to produce all records of the Gram Panchayat, and though she produced the records as directed, the first respondent has not passed final order on her explanation. Hence, the writ petition.

Having regard to the facts and circumstances of the case, and in view of the fact that no speaking order has been passed on the explanation submitted by the petitioner, I deem it appropriate to direct the first respondent-District Panchayat Officer, Chittoor to pass appropriate speaking order on the explanation submitted by the petitioner to the show cause notice, dated 12-10-2004 issued by him in Roc.No.3196/2003-A4 (Pts), in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of at the stage of admission. No costs.

N.V. RAMANA, J

Date: 15-12-2004

Svv

To

- 1 The District Panchayat Officer, Chittoor.
- 2 The Divisional Panchayat Officer, Chandragiri.
- 3 The District Collector (Pt.Wing), Chittoor.

- 4 Two CCs. to the Government Pleader for Panchayat Raj and Rural Development, High Court Buildings, A.P., Hyderabad (OUT).

- 5 Two CD copies.